



Long Creek Watershed Management District Board of Directors Meeting

Agenda: August 3, 2023, 9:00a.m. to 11:00a.m.

Location: University of Southern Maine, Wishcamper Center, Room 327, 34 Bedford Street, Portland, Maine or [Click here to join the meeting](#) on Microsoft Teams

Time	Agenda Item	Attachment	Page(s)
9:00 — 9:05	1. Call to Order		
9:05 — 9:10	2. Minutes: June 27, 2023, Board Meeting <i>Proposed Motion: Motion to approve the June 27, 2023, Board meeting minutes.</i>	Attachment A	1 — 6
9:10 — 9:15	3. Treasurer’s Report: June Financial Report	Attachment B	7 — 21
9:15 — 9:45	4. Award Long Creek South Branch Stormwater BMP Retrofits Project Construction Services Agreement: <i>Proposed Motion: Motion to authorize LCWMD’s Executive Director to enter into a Services Agreement with [SELECTED PROPOSER] in an amount not to exceed \$[AMOUNT] to perform construction services in accordance with the Long Creek South Branch Stormwater BMP Retrofits Project Construction Services Request for Proposals issued by LCWMD on June 9, 2023.</i>	Attachment C	22
9:45 — 10:00	5. Sole Source Agreement, P.C. Sexton WIT Companies, LLC, Sustainable Winter Management (SWiM®) Program: <i>Proposed Motion: Motion to authorize the Executive Director to enter into a sole source agreement with P.C. Sexton WIT Companies, LLC in an amount not to exceed \$[AMOUNT] to implement the Sustainable Winter Management (SWiM®) program in the winter of [YEARS] in accordance with the attached proposal.</i>	Attachment D	23 — 29
10:00 — 10:15	6. Revisions to Private BMP Incentive Program	Attachment E	30 — 46
10:15 — 10:20	7. Public Comment(s)		
10:20 — 10:25	8. Next Meeting:		
10:25	9. Adjourn		

ATTACHMENT A



Long Creek Watershed Management District Board of Directors Meeting

Minutes from June 27, 2023, Meeting

Location: Gorrill Palmer, 300 Southborough Drive, Suite 200, 2nd Floor, South Portland, Maine
or [Click here to join the meeting](#) on Microsoft Teams

1. **Call to Order:** Mr. Dillon call the meeting to order at 9:06a.m.
2. **Roll Call:**
 - a. Attendance: Curtis Bohlen, Fred Dillon, Cindy Dionne, Sean Donohue, Brian Goldberg, Craig Gorris, Will Haskell, Jason Kenney, Ron Lessard, Doug Roncarati
 - b. Absent: Angela Blanchette, Peter Connell, Eric Dudley, Richard Matthews
 - c. Staff/Guests: Peter Carney (Long Creek Watershed Management District); Jim Katsiaficas, Esq., Joe Siviski, Esq. (Perkins Thompson); Chris Brewer (Cumberland County Soil & Water Conservation District); Phill Sexton (P.C. Sexton WIT Companies, LLC)
3. **Review of Board Meeting Minutes:**
 - a. The Board reviewed the minutes from the May 24, 2023, meeting.
 - b. **Mr. Haskell made a motion to approve the May 24, 2023, Board meeting minutes. Mr. Bohlen seconded the motion. The motion carried unanimously.**
4. **Treasurer's Report:**
 - a. Mr. Bohlen reviewed the May Financial Report and summarized the current budget status.
 - b. Mr. Bohlen noted the \$4-million balance in the savings account and suggested that in addition to the South Branch gravel wetland project currently in progress we need to put more of this money toward restoring the stream.
 - c. Mr. Bohlen noted that we are almost at the end of the fiscal year and the May financial report reflects zero dollars spent on construction and engineering given the delay in the South Branch gravel wetland project. This should change as the gravel wetland project gets underway in the next fiscal year.
 - d. Mr. Brewer noted that accounts receivable are in good shape and the Maine Department of Environmental Protection (Maine DEP) is making progress toward resolving the larger outstanding fee matters.
 - e. Mr. Brewer advised he will create a new expense account for the Private BMP Incentive Program, so that the Board can track grants under the Program on a monthly basis.
 - f. In addition, Mr. Brewer agreed to add the Non-Routine Maintenance and Reserve Account, Account 111R, to the monthly financial reports as it is not currently reflected.
5. **Sustainable Winter Management Program: Status of Implementation:**
 - a. Mr. Carney provided a brief history of the implementation of the Sustainable Winter Management (SWiM) Program, which the District has implemented over the past three winters.

- b. Mr. Carney introduced Phill Sexton, the consultant that implements the SWiM program, who is presenting today on the past implementation of SWiM and the suggested scope of the program for next winter.
- c. Mr. Sexton provided a PowerPoint presentation to the Board summarizing past years of SWiM implementation and providing specific examples of implementing the Program on properties upon which the Program is being piloted.
- d. Mr. Sexton recounted his experience with the contractor with whom we have had the greatest success with in implementing the Program.
- e. Mr. Sexton suggested that the District highlight the SWiM program using this contractor and the associated properties on which they work as the “test case” to encourage additional landowners to join the Program.
- f. Mr. Goldberg asked how the contractor could continue to improve, given the success achieved so far.
- g. Mr. Sexton suggested the contractor would benefit from more advanced equipment and that the District could potentially subsidize equipment purchases for this contractor through the grants program.
- h. In addition, Mr. Sexton noted the possibility of the contractor using a non-chloride material to melt snow and ice, at least in areas close to buildings. This material is more expensive but would result in less degradation of buildings and immediately surrounding areas.
- i. On a larger scale, Mr. Sexton suggested the possibility of the District funding a shared brine tank for contractors as several contractors noted the lack of availability of brine as the reason it is generally not used by in the private sector.
- j. To further encourage investment in technologically advanced equipment, Mr. Sexton suggested longer-term winter maintenance contracts, typically at least five years, which would match a typical equipment depreciation schedule.
- k. Mr. Lessard suggested that developing a general problem statement and summary of the benefits of the Program would help to get the landowner he represents on board with the Program.
- l. Mr. Lessard noted that when bringing the Program to his management they will need want to know answers to questions such what the problem is that is trying to be solved, what are winter maintenance problems when viewed from the facility perspective, what issues facilities have in common, what are the suggested solutions to the problem, and the overall benefits of the Program.
- m. Mr. Lessard recommended outlining answers to these questions in a fact sheet or short PowerPoint presentation that could then be used by landowner representatives for internal presentations to their management.
- n. Mr. Roncarati suggested that as an incentive for participation it should be advocated that landowner driven solutions may result in avoidance of future regulatory requirements which would be more onerous than voluntary participation in SWiM.

6. Approve Fiscal Year 2024 Budget:

- a. Mr. Carney reminded the Board that it adopted a provisional budget for Fiscal Year 2024 in January and that the Board is required by the District’s organizational documents to approve the final budget for Fiscal Year 2024 no later than July 1.

- b. For consideration today is adoption of the final Fiscal Year 2024 budget in accordance with the Budget Narrative and associated documents included in today's Board packet.
- c. Mr. Carney noted that there are few significant changes from the January figures, except for a few accounts.
- d. Mr. Carney noted that Account 6271, for construction-related engineering, was increased from \$12,250 to \$21,746 to accommodate the change order approved at the last Board meeting for Acorn Engineering, Inc. to complete the permitting and construction oversight aspects of the South Branch Stormwater BMP Retrofits Project.
- e. Account 6272, for legal fees, decreased from \$25,000 to \$20,000. Mr. Carney advised that the provisional budget included \$5,000 in fees for finalizing the easements and reviewing the construction request for proposals related to the South Branch Stormwater BMP Retrofits Project; however, that work is either complete or will be completed by the end of the current fiscal year.
- f. Account 6275 for plan Implementation, which is the account for the Cumberland County Soil & Water Conservation District Services Agreement (CCSWCD), decreased from \$193,417 to \$172,509.78 as the result of adjusting staff hours to more closely match actual staff hours for Fiscal Year 2023 (as we are almost at the end of the fiscal year) and accounting for recent revisions to CCSWCD's fee schedule.
- g. Account 6278, for catch basin cleaning, increased from \$52,500 to \$55,500, to increase the budget for the number of basins to be cleaned in Fiscal Year 2024 from 700 (the estimated figure for 2023) to 740 (actual figure for 2023).
- h. Mr. Gorris asked whether we might be at a point where the District could consider reducing rates for annual fees, noting the significant savings account balance.
- i. Mr. Bohlen pointed out the cash flow projection, which suggests the District will have \$2-million dollars on hand at the end of Fiscal Year 2025.
- j. Mr. Katsiaticas reminded the Board that we do not have a new general permit yet from Maine DEP; without knowing the requirements of the next general permit it may make more sense to provide one-time credits or to expand the grant program rather than implement a general reduction in fees.
- k. Mr. Roncarati suggested that based on Maine DEP's direction with the municipal stormwater general permit currently under development we should expect that the next Long Creek General Permit will be more stringent.
- l. Mr. Carney suggested that the Board could consider credits against annual fees for landowners that participate in, or that become certified under, the SWiM Program, which would provide landowners with the opportunity to reduce fees while also addressing one of the more challenging water quality impairments to Long Creek.
- m. Mr. Carney noted that the grants program already acknowledges that the scope of the grants includes snow removal equipment and practices that will result in the use of less chlorides.
- n. Mr. Goldberg suggested that because not many landowners are taking advantage of the grant program, we should consider modifying the program to give the Board the discretion to award grants for up to 100% of eligible expenditures rather than the current 75% limit.
- o. Mr. Dillon noted that while the larger picture financial considerations warrant further discussion, we need to vote on the proposed budget today.

- p. Mr. Goldberg suggested that the Board proceed with a vote on the current budget as proposed, but that Mr. Carney and Mr. Brewer model several cash flow projection options for the Board for consideration at a future Board meeting including a one-time credit against annual fees, reducing fee rates for participation in the SWiM program, and grant awards for up to 100% of eligible project costs.
- q. Mr. Gorris noted that we should get together with winter contractors to explore expansion of the SWiM program and expressed support for modeling a rebate or credit similar to the credit provided during the early COVID era.
- r. Mr. Gorris further suggested that expanding the grant program to cover 100% of project costs would encourage participation given that landowners' limited capital expenditure funds may eliminate landowners from participating in the grant program.
- s. Mr. Brewer and Mr. Carney agreed to model several financial options for consideration at a future Board meeting.
- t. Mr. Bohlen expressed a desire for staff to perform the financial modeling and that if the Board recommends any changes based on the modeling that implementation those changes occur by the end of the calendar year.
- u. There was a consensus that a strategic planning committee be formed to consider the modeling that will be done by Mr. Brewer and Mr. Carney, with the committee making a recommendation to the full Board.
- v. Mr. Goldberg and Mr. Bohlen agreed to be members of the committee with an invitation being extended to any other Board members that would like to participate.
- w. **Mr. Bohlen made a motion to approve the Fiscal Year 2024 budget. Mr. Goldberg seconded the motion. The motion carried unanimously.**

7. Review of Board Member Duties and Obligations:

- a. Mr. Carney noted that the District's legal counsel periodically provides Board members with training on their duties and obligations as Board members.
- b. The District's counsel, Mr. Katsiaficas, and his colleague, Mr. Siviski, will be providing the Board with a presentation on these duties and obligations today.
- c. Mr. Katsiaficas provided a handout to the Board members attending the meeting in person.
- d. Mr. Carney advised he would circulate a copy of the handout by email after the meeting to Board members attending remotely.
- e. Mr. Katsiaficas advised the Board members that they are "public officials" as they oversee the Long Creek Watershed Management District, which is a quasi-municipal organization and a 501(c)(3) nonprofit organization.
- f. Mr. Katsiaficas advised that as "public officials" Board members are protected from claims arising within the scope of their roles as Board members under the Maine Tort Claims Act and are subject to Maine's Freedom of Access Act (FOAA), which provides for public access to public meetings and public records.
- g. Mr. Katsiaficas advised that the FOAA requires reasonable public notice of all meetings but does allow the Board to convene "emergency meetings" which should have at least 24 hours' notice.
- h. Mr. Katsiaficas noted that under the FOAA remote meetings are allowed provided that the subject body adopts a remote participation policy, which the District does have. Remote

meetings must provide for public participation in the same manner as participation by Board members. Roll call votes are required if a meeting is held remotely.

- i. Mr. Katsiaficas advised that in limited circumstances the Board may deliberate without the presence of the public in an “executive session,” but the topics that it is permissible to discuss in an executive session are limited. Examples include litigation, personnel matters, and negotiating contracts. Executive sessions must be held in the context of a properly noticed meeting. No final action may be taken in executive session, final actions may only be taken during the public portion of a meeting.
- j. With respect to public records, Mr. Katsiaficas advised that the FOIA provides the public with a right to inspect and copy records but does not require preparation of a record that does not already exist.
- k. Mr. Lessard asked whether a Board member can participate in a Board action where, for example, the landowner that the Board member represents may benefit from such action.
- l. Mr. Katsiaficas advised that the District has a “conflict of interests” policy under which the general rule is that a Board member may vote on a general program which benefits all landowners equally but should abstain from voting on issues that specifically benefit a Board member or their organization.

8. Public Comment(s): None.

9. Next Meeting: Mr. Carney agreed to send a poll to the Board to determine the date of the next meeting.

10. Adjourn: The meeting adjourned at 11:14a.m.

Board attendance and voting record:

Board Member	Attendance	Approve May 24, 2023, Minutes	Approve Fiscal Year 2024 Budget
Blanchette	N	—	—
Bohlen	Y	Y	Y
Connell	N	—	—
Dillon	Y	Y	Y
Dionne	Y	Y	Y
Donahue	Y	Y	Y
Dudley	N	—	—
Goldberg	Y	Y	Y
Gorris	Y	—	Y
Haskell	Y	Y	Y
Kenney	Y	Y	Y
Lessard	Y	Y	Y
Matthews	N	—	—
Roncarati	Y	Y	Y

DRAFT

ATTACHMENT B



Financial Report

Long Creek Watershed Management District
For the period ended June 30, 2023

Prepared by
Christopher Brewer, Fiscal Agent

Prepared on
July 26, 2023

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Financial Reports Include:

1. **Balance Sheet:** presents a snapshot of the District as of the end of the month. The report calculates what the District is worth by subtracting all of the money the district owes (liabilities) from everything it owns (assets). The total includes the net income for the fiscal year to date. This report is required by the Documentation of Internal Control Structure.
2. **Profit and Loss:** summarizes the income and expenses for the month, to determine if the District is operating at a profit or loss. The report shows subtotals for each income or expense account. The last line shows the net income or loss for the month. This report is required by the Documentation of Internal Control Structure.
3. **Withdrawals by Bank Account:** details all outgoing transactions from the bank accounts. This report is required by the Documentation of Internal Control Structure.
4. **Deposit Listing by Bank Account:** details all deposits into the bank accounts. This report is required by the Documentation of Internal Control Structure.
5. **Accounts Receivable Aging Summary:** This report summarized the status of unpaid invoices and statement charges in Accounts Receivable. For each customer the report shows what the customer owes for the current and previous billing periods. This report is required by the Documentation of Internal Control Structure.
6. **Accounts Payable Aging Summary:** summarizes the status of unpaid bills in the Accounts Payable showing what is owed, who it is owed to and when it is due. This report is required by the Documentation of Internal Control Structure.
7. **Expenses by Vendor Summary:** summarizes the total payments to vendors during the fiscal year. This report is one of the tools used to monitor contractual payments to vendors.
8. **Profit and Loss Budget Performance:** summarizes the income and expenses for the month, to determine if the District is operating at a profit or loss compared to the estimated budget. The report shows subtotals for each income or expense account which are also compared to the estimated budget. This report is required by the Documentation of Internal Control Structure.

Profit and Loss

June 2023

		Total
	Jun 2023	Jul 2022 - Jun 2023 (YTD)
INCOME		
4100 ADMINISTRATION	1,866.21	198,709.99
4200 CONSTRUCTION AND MAINTENANCE	7,834.92	868,570.01
4201 Drainage Maintenance Agreement		316.00
Total 4200 CONSTRUCTION AND MAINTENANCE	7,834.92	868,886.01
4500 GOOD HOUSEKEEPING	3,802.80	352,041.10
4600 MONITORING	910.95	86,468.56
4810 FINANCE CHARGES	2,063.48	22,712.18
4820 INTEREST	999.06	11,565.89
Sales		175.00
Total Income	17,477.42	1,540,558.73
GROSS PROFIT	17,477.42	1,540,558.73
EXPENSES		
5010 ADS	100.00	100.00
5030 BAD DEBT		1,554.81
5040 CONSTRUCTION		
5041 BMP Repair & Replacement Reserve	108.00	52,007.57
5042 Engineering		242.50
5044 Permit Fees	2,053.00	1,478.00
5047 Inspection and Maintenance	38,075.00	101,000.00
5048 Non-Routine Repair & Maint.	4,450.00	4,450.00
5049 Landscaping of Const. Proj.	24,755.00	112,234.50
Total 5040 CONSTRUCTION	69,441.00	271,412.57
5060 MONITORING EXPENSE		
5061 Watershed Monitoring	4,043.46	59,028.30
Total 5060 MONITORING EXPENSE	4,043.46	59,028.30
5080 MEETINGS		1,126.40
5090 EQUIPMENT		3,251.02
6000 PROGRAM EXPENSE		
6002 Loan Payment		75,758.30
Total 6000 PROGRAM EXPENSE		75,758.30
6160 DUES AND SUBSCRIPTIONS	158.89	1,860.81
6180 INSURANCE		
6181 Liability Insurance		8,719.00
Total 6180 INSURANCE		8,719.00
6250 POSTAGE AND DELIVERY	320.75	339.75
6270 PROFESSIONAL FEES		
6271 Consultant-Engineer	30,389.91	69,044.91
6272 Legal Fees	1,215.00	6,025.00
6273 Accounting		9,300.00
6275 Plan Implementation	8,253.75	106,966.48

	Jun 2023	Jul 2022 - Jun 2023 (YTD)	Total
6276 Sweeping			50,685.46
6278 Catch Basin Cleaning	18,375.00		55,275.00
6283 Waste Management	5,921.79		26,216.25
Total 6270 PROFESSIONAL FEES	64,155.45		323,513.10
6340 TELEPHONE	91.10		1,111.42
6350 TRAVEL			
6354 Travel	150.74		345.99
6355 Conferences			942.00
Total 6350 TRAVEL	150.74		1,287.99
6550 SUPPLIES	94.95		174.73
7200 Salaries & Related Expenses			527.00
7220 Salaries & Wages	11,138.43		94,962.26
7245 Employee Benefits - Simple IRA	334.14		2,848.80
7250 Payroll Taxes, etc.	852.08		7,264.60
7260 Payroll Processing & Fees	50.00		599.00
7270 Workers Comp Insurance			-65.91
Total 7200 Salaries & Related Expenses	12,374.65		106,135.75
Total Expenses	150,930.99		855,373.95
NET OPERATING INCOME	-133,453.57		685,184.78
NET INCOME	\$ -133,453.57		\$685,184.78

Balance Sheet

As of June 30, 2023

	As of Jun 30, 2023	As of Jun 30, 2022 (PY)	Total % Change
ASSETS			
Current Assets			
Bank Accounts			
1110 MCB Checking	10,021.00	6,975.63	43.66 %
1116 MCB Savings Base	200,000.00	200,000.00	0.00 %
1117 MCB Sweep Savings	3,746,416.51	3,330,970.48	12.47 %
1117R Non-Routine Maintenance Reserve	205,850.87		
Total 1117 MCB Sweep Savings	3,952,267.38	3,330,970.48	18.65 %
Total Bank Accounts	4,162,288.38	3,537,946.11	17.65 %
Accounts Receivable			
1200 ACCOUNTS RECEIVABLE	404,912.49	350,046.80	15.67 %
Total Accounts Receivable	404,912.49	350,046.80	15.67 %
Other Current Assets			
12100 Performance Guarantee	33,050.00	33,050.00	0.00 %
1400 ALLOWANCE FOR DOUBTFUL ACCOUNTS	-82,983.16	-82,983.16	0.00 %
1499 UNDEPOSITED FUNDS	3,443.56	0.00	
Total Other Current Assets	-46,489.60	-49,933.16	6.90 %
Total Current Assets	4,520,711.27	3,838,059.75	17.79 %
Fixed Assets			
1700 FIXED ASSETS			
1740 Infrastructure	194,074.09	194,074.09	0.00 %
1740-02 B21 Blanchette Br. Restoration	611,612.80	611,612.80	0.00 %
1740-03 Darling Avenue Improvements	572,926.52	572,926.52	0.00 %
1740-07 Mall Plaza Improvements	1,256,737.05	1,256,737.05	0.00 %
1740-09 Philbrook Ave Improvements	428,967.91	428,967.91	0.00 %
1740-11 B21 Col. Westbrook Improvements	207,979.14	207,979.14	0.00 %
1740-16 Port Resources Improvements	51,745.00	51,745.00	0.00 %
1740-20 C08 Fairchild Improvements	259,759.13	259,759.13	0.00 %
1740-21 Gorham Road Improvements	491,412.26	491,412.26	0.00 %
1740-22 Maine Mall Road Improvements	693,732.87	693,732.87	0.00 %
1740-23 GGP Gravel Wetland	664,216.29	664,216.29	0.00 %
Total 1740 Infrastructure	5,433,163.06	5,433,163.06	0.00 %
1780 Construction in Process	0.00	0.00	
1786 South Branch BMP Retrofits E-34	171,461.90	171,461.90	0.00 %
Total 1780 Construction in Process	171,461.90	171,461.90	0.00 %
1790 Accumulated Depreciation	-995,651.65	-995,651.65	0.00 %
Total 1700 FIXED ASSETS	4,608,973.31	4,608,973.31	0.00 %
Total Fixed Assets	4,608,973.31	4,608,973.31	0.00 %
TOTAL ASSETS	\$9,129,684.58	\$8,447,033.06	8.08 %

LIABILITIES AND EQUITY

	As of Jun 30, 2023	As of Jun 30, 2022 (PY)	Total % Change
Liabilities			
Current Liabilities			
Accounts Payable			
2000 ACCOUNTS PAYABLE	112,119.82	114,306.21	-1.91 %
Total Accounts Payable	112,119.82	114,306.21	-1.91 %
Credit Cards			
1114 Credit Card	2,356.84	1,720.90	36.95 %
Total Credit Cards	2,356.84	1,720.90	36.95 %
Other Current Liabilities			
2210 Accrued Vacation	1,801.74	1,801.74	0.00 %
Payroll Liabilities			
Federal Taxes (941/944)	0.00	850.81	-100.00 %
Federal Unemployment (940)	42.00	0.00	
ME Income Tax	0.00	192.00	-100.00 %
Simple IRA Catch-Up	18.00		
Total Payroll Liabilities	60.00	1,042.81	-94.25 %
Total Other Current Liabilities	1,861.74	2,844.55	-34.55 %
Total Current Liabilities	116,338.40	118,871.66	-2.13 %
Long-Term Liabilities			
2700 MM BOND BANK	681,824.70	681,824.70	0.00 %
Total Long-Term Liabilities	681,824.70	681,824.70	0.00 %
Total Liabilities	798,163.10	800,696.36	-0.32 %
Equity			
3000 NET ASSETS	7,646,336.70	7,300,153.10	4.74 %
Net Income	685,184.78	346,183.60	97.93 %
Total Equity	8,331,521.48	7,646,336.70	8.96 %
TOTAL LIABILITIES AND EQUITY	\$9,129,684.58	\$8,447,033.06	8.08 %

Checks and Credit Card Charges by Date

June 2023

Date	Transaction Type	Num	Posting	Name	Memo/Description	Account	Split	Amount
06/01/2023	Bill Payment (Check)	1158	Yes	Maritime Farms Land Management		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-8,865.00
06/01/2023	Bill Payment (Check)	1159	Yes	ACV Environmental Services, Inc.		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-16,200.00
06/01/2023	Bill Payment (Check)	1160	Yes	CUMBERLAND COUNTY SWCD		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-10,452.54
06/14/2023	Bill Payment (Check)	1161	Yes	PERKINS THOMPSON	13657-0001	1110 MCB Checking	2000 ACCOUNTS PAYABLE	-1,355.00
06/14/2023	Bill Payment (Check)	1162	Yes	A Partner in Technology		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-62.50
06/14/2023	Bill Payment (Check)	1163	Yes	Analytical Laboratory		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-108.00
06/14/2023	Bill Payment (Check)	1164	Yes	ACV Environmental Services, Inc.		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-18,375.00
06/14/2023	Bill Payment (Check)	1165	Yes	Maine Municipal Association		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-100.00
06/14/2023	Bill Payment (Check)	1166	Yes	CARD SERVICES		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-1,783.82
06/14/2023	Bill Payment (Check)	1167	Yes	GZA GEOENVIRONMENTAL INC		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-4,043.46
06/28/2023	Check	1168	Yes	Peter J. Carney		1110 MCB Checking	6354 TRAVEL:Travel	-134.62
06/28/2023	Bill Payment (Check)	1169	Yes	Eco Maine - Vendor		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-7,975.89
06/28/2023	Bill Payment (Check)	1170	Yes	VERIZON		1110 MCB Checking	2000 ACCOUNTS PAYABLE	-91.10

Deposit List by Date

June 2023

Date	Transaction Type	Num	Posting	Name	Memo/Description	Account	Split	Amount
06/13/2023	Deposit		Yes			1116 MCB Savings Base	-Split-	11,999.86
06/30/2023	Deposit		Yes	Biddeford Savings Bank	INTEREST	1110 MCB Checking	4820 INTEREST	3.00
06/30/2023	Deposit		Yes	Biddeford Savings Bank	INTEREST	1116 MCB Savings Base	4820 INTEREST	16.44
06/30/2023	Deposit		Yes	Biddeford Savings Bank	INTEREST POSTING FOR DDA 8082398999	1117 MCB Sweep Savings	4820 INTEREST	979.62

A/R Aging Summary

As of June 30, 2023

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
333 Clark's Pond, LLC		-0.01				-0.01
465 Main Street LLC						0.00
128-02					851.96	851.96
Total 465 Main Street LLC					851.96	851.96
Anthem Health Plans of Maine, Inc.						0.00
22-01					48.62	48.62
Total Anthem Health Plans of Maine, Inc.					48.62	48.62
Best Company, LLC						0.00
122-01					1.00	1.00
Total Best Company, LLC					1.00	1.00
CarMax Auto Superstores, Inc.					-0.02	-0.02
36-02-L					44.13	44.13
Total CarMax Auto Superstores, Inc.					44.11	44.11
Cornerbrook LLC						0.00
65-01	490.31	485.90	481.03		84,772.87	86,230.11
Total Cornerbrook LLC	490.31	485.90	481.03		84,772.87	86,230.11
CPSP LLC						0.00
70-D-01	620.28	614.77	609.30		96,414.87	98,259.22
71-D-01	643.91	638.14	632.41		110,793.85	112,708.31
72-D-01	277.92	275.41	272.91		46,007.06	46,833.30
Total CPSP LLC	1,542.11	1,528.32	1,514.62		253,215.78	257,800.83
GGP-Maine Mall L.L.C.						0.00
30-R-01					10,827.90	10,827.90
68-R-01					199.32	199.32
Total GGP-Maine Mall L.L.C.					11,027.22	11,027.22
Individual Permit Holders Services						0.00
144 New Gen Holding Co LLC					208.60	208.60
Total Individual Permit Holders Services					208.60	208.60
Jetport Plaza LLC						0.00
99-01					0.75	0.75

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
Total Jetport Plaza LLC					0.75	0.75
Maine Mall Motors						0.00
53-Q-02					28.90	28.90
55-Q-01					33.07	33.07
Total Maine Mall Motors					61.97	61.97
MMC Realty Corp./MaineHealth						0.00
13-02	31.06	31.06	31.06			93.18
Total MMC Realty Corp./MaineHealth	31.06	31.06	31.06			93.18
Pine Tree Waste, Inc.						0.00
136-01	14,414.88					14,414.88
Total Pine Tree Waste, Inc.	14,414.88					14,414.88
The Coca-Cola Bottling Company of Norther						0.00
102-01					9,714.12	9,714.12
Total The Coca-Cola Bottling Company of Norther					9,714.12	9,714.12
Washington Baxter, LLC						0.00
69-02					24,415.15	24,415.15
Total Washington Baxter, LLC					24,415.15	24,415.15
TOTAL	\$16,478.36	\$2,045.27	\$2,026.71	\$0.00	\$384,362.15	\$404,912.49

Accounts Payable Aging Summary

As of June 30, 2023

	Current	1 - 30	31 - 60	61 - 90	91 and over	Total
CUMBERLAND COUNTY SWCD	8,590.62					8,590.62
Eco Maine - Vendor	5,077.41					5,077.41
GZA GEOENVIRONMENTAL INC	5,921.79					5,921.79
Maritime Farms Land Management	24,755.00					24,755.00
P.C. Sexton WIT Companies, LLC	25,250.00					25,250.00
Sterling Stormwater Maintenance Services, LLC	42,525.00					42,525.00
TOTAL	\$112,119.82	\$0.00	\$0.00	\$0.00	\$0.00	\$112,119.82

Expenses by Vendor Summary

June 30 - July 1, 2023

	Total
CUMBERLAND COUNTY SWCD	8,590.62
Eco Maine - Vendor	5,077.41
GZA GEOENVIRONMENTAL INC	5,921.79
P.C. Sexton WIT Companies, LLC	25,250.00
Sterling Stormwater Maintenance Services, LLC	42,525.00
TOTAL	\$87,364.82

Monthly: Budget vs. Actuals - FY23 P&L

July 2022 - June 2023

	Actual	Budget	over Budget	Total % of Budget
INCOME				
4100 ADMINISTRATION	198,709.99	181,347.12	17,362.87	109.57 %
4200 CONSTRUCTION AND MAINTENANCE	868,570.01	925,331.36	-56,761.35	93.87 %
4201 Drainage Maintenance Agreement	316.00		316.00	
Total 4200 CONSTRUCTION AND MAINTENANCE	868,886.01	925,331.36	-56,445.35	93.90 %
4500 GOOD HOUSEKEEPING	352,041.10	354,856.36	-2,815.26	99.21 %
4600 MONITORING	86,468.56	75,305.16	11,163.40	114.82 %
4700 STREAM RESTORATION	0.00	2,735.95	-2,735.95	0.00 %
4810 FINANCE CHARGES	22,712.18		22,712.18	
4820 INTEREST	11,565.89	8,000.00	3,565.89	144.57 %
Sales	175.00		175.00	
Total Income	1,540,558.73	1,547,575.95	-7,017.22	99.55 %
GROSS PROFIT	1,540,558.73	1,547,575.95	-7,017.22	99.55 %
EXPENSES				
5010 ADS	100.00	500.00	-400.00	20.00 %
5030 BAD DEBT	1,554.81	40,245.10	-38,690.29	3.86 %
5040 CONSTRUCTION				
5041 BMP Repair & Replacement Reserve	52,007.57	200,000.00	-147,992.43	26.00 %
5042 Engineering	242.50	12,250.00	-12,007.50	1.98 %
5044 Permit Fees	1,478.00		1,478.00	
5046 Structural		1,686,000.00	-1,686,000.00	
5047 Inspection and Maintenance	101,000.00	127,975.00	-26,975.00	78.92 %
5048 Non-Routine Repair & Maint.	4,450.00		4,450.00	
5049 Landscaping of Const. Proj.	112,234.50	103,442.50	8,792.00	108.50 %
Total 5040 CONSTRUCTION	271,412.57	2,129,667.50	-1,858,254.93	12.74 %
5060 MONITORING EXPENSE				
5061 Watershed Monitoring	59,028.30	63,549.00	-4,520.70	92.89 %
Total 5060 MONITORING EXPENSE	59,028.30	63,549.00	-4,520.70	92.89 %
5080 MEETINGS	1,126.40	2,000.00	-873.60	56.32 %
5090 EQUIPMENT	3,251.02	5,000.00	-1,748.98	65.02 %
6000 PROGRAM EXPENSE				
6002 Loan Payment	75,758.30	75,760.00	-1.70	100.00 %
Total 6000 PROGRAM EXPENSE	75,758.30	75,760.00	-1.70	100.00 %
6160 DUES AND SUBSCRIPTIONS	1,860.81	2,000.00	-139.19	93.04 %
6170 EQUIPMENT RENTAL		1,000.00	-1,000.00	

				Total
	Actual	Budget	over Budget	% of Budget
6180 INSURANCE				
6181 Liability Insurance	8,719.00	9,500.00	-781.00	91.78 %
Total 6180 INSURANCE	8,719.00	9,500.00	-781.00	91.78 %
6250 POSTAGE AND DELIVERY	339.75	650.00	-310.25	52.27 %
6270 PROFESSIONAL FEES				
6271 Consultant-Engineer	69,044.91	62,600.00	6,444.91	110.30 %
6272 Legal Fees	6,025.00	20,000.00	-13,975.00	30.13 %
6273 Accounting	9,300.00	9,300.00	0.00	100.00 %
6275 Plan Implementation	106,966.48	169,220.63	-62,254.15	63.21 %
6276 Sweeping	50,685.46	148,768.40	-98,082.94	34.07 %
6278 Catch Basin Cleaning	55,275.00	52,500.00	2,775.00	105.29 %
6283 Waste Management	26,216.25	14,332.00	11,884.25	182.92 %
Total 6270 PROFESSIONAL FEES	323,513.10	476,721.03	-153,207.93	67.86 %
6340 TELEPHONE	1,111.42	1,440.00	-328.58	77.18 %
6350 TRAVEL				
6351 Lodging		500.00	-500.00	
6353 Meals		500.00	-500.00	
6354 Travel	345.99	1,100.00	-754.01	31.45 %
6355 Conferences	942.00	2,000.00	-1,058.00	47.10 %
Total 6350 TRAVEL	1,287.99	4,100.00	-2,812.01	31.41 %
6550 SUPPLIES	174.73	2,000.00	-1,825.27	8.74 %
66910 Bank Service Charges	0.00		0.00	
7200 Salaries & Related Expenses	527.00		527.00	
7220 Salaries & Wages	94,962.26	93,771.35	1,190.91	101.27 %
7245 Employee Benefits - Simple IRA	2,848.80	2,811.35	37.45	101.33 %
7250 Payroll Taxes, etc.	7,264.60	7,168.71	95.89	101.34 %
7260 Payroll Processing & Fees	599.00	500.00	99.00	119.80 %
7270 Workers Comp Insurance	-65.91	500.00	-565.91	-13.18 %
Total 7200 Salaries & Related Expenses	106,135.75	104,751.41	1,384.34	101.32 %
Total Expenses	855,373.95	2,918,884.04	-2,063,510.09	29.30 %
NET OPERATING INCOME	685,184.78	-1,371,308.09	2,056,492.87	-49.97 %
NET INCOME	\$685,184.78	\$ -1,371,308.09	\$2,056,492.87	-49.97 %

ATTACHMENT C



MEMORANDUM

TO: Long Creek Watershed Management District Board of Directors
FROM: Peter J. Carney, Executive Director
DATE: July 28, 2023
RE: South Branch Stormwater BMP Retrofits Project - Construction Services Request for Proposals;
 Summary of Proposals

1. **Scope of Work:** The purpose of this Request for Proposals is to obtain the services of a qualified construction contractor to construct an engineered gravel wetland and associated stormwater Best Management Practices at 350 and 415 Philbrook Avenue in South Portland, Maine (hereinafter the “Project”). The Project’s primary objective is to treat stormwater from a 48-acre catchment to address water quality concerns in Long Creek.
2. **Request for Proposals Publication Date:** June 9, 2023
3. **Request for Proposals Due Date:** July 13, 2023
4. **Proposals Received:**

Proposer	Total Cost
R.J. Grondin and Sons	\$1,999,776.35
Shaw Brothers Construction, Inc.	\$2,310,000.00
Dearborn Brothers Construction, Inc.	\$2,666,065.00

5. Scoring Summary:

Qualifications Selection Criteria								
Proposer	Quality of Proposal (5)	Experience and Reputation (10)	Expertise for This Type of Project (20)	Capacity to Meet Requirements of the Contract (15)	Total Overall Value (30)	Safety Record and Re (10)	References (10)	Total (100)
R.J. Grondin and Sons	4.4	9	17.60	14.60	24.80	8.20	9.40	88
Shaw Brothers Construction, Inc.	3.6	8.2	17	14.60	20	7.4	7.6	78.40
Dearborn Brothers Construction, Inc.	3.4	8	15	13.2	15.4	7.8	8	70.80

ATTACHMENT D

28 July 2023

To: Mr. Peter Carney – Long Creek Watershed Management District (LCWMD)

From: Phill Sexton – P.C. Sexton WIT Companies, LLC (WIT), dba WIT Advisers | SWiM®

RE: **Quote | LCWMD SWiM® Program 2023/'24 – 2024/'25 – 2 seasons**

Scope of Focus (SOF)

The following quote is to provide a scope of focus (SOF) that is designed to manage LCWMD's road salt / chloride loading continuous improvement reduction efforts; and for scaling the implementation, and management the Sustainable Winter Management (SWiM®) standards to be broadly practiced by municipal and private properties throughout the Long Creek watershed. During the 2023/'24 and '24/'25 winter seasons, WIT Advisers will primarily focus on the following summary of tasks:

- 1) **Outreach Campaign:** Develop and implement a more robust stakeholder engagement process including a more focused outreach campaign that offers new candidates a preliminary assessment of their property / operation.
- 2) **Implementation Training:** Develop and implement a series of training workshops (Pre / During / Post Season) that are delivered remotely and in person, with a working group of property owners / managers, contractors, and municipal operations to be determined by LCWMD that include the following already qualified candidates; 1) *City of South Portland (3 routes)*, 2) *Maine Mall*, 3) *50 Foden Rd. / 225 Gorham Rd – SWiM® Certification*, 4) *Diodes*, and 5) *Up to 5 other new candidates / properties per season as a goal (including 1 additional municipality if possible)*.
- 3) **Measuring and Monitoring:** Continue to measure and monitor with the existing salt tracking and road weather monitoring equipment that has been installed to date. Future tracking and measuring will be assessed on a case-by-case basis if it is required or beneficial to expand upon with newly acquired stakeholders throughout the watershed.

Benefits include engaged contractors, and property owners / managers, and municipal operators who adopt and practice the *Sustainable Winter Management (SWiM®)* guidelines, will have the opportunity to significantly reduce road salt / chloride outputs, save money, and achieve SWiM® certification qualifications in future winter seasons - if they so choose or are required by LCWMD for qualified annual fee reductions.

2023/'24 – 2024/'25 Scope of Focus (SOF) – Costs and Options

Task 1. **OUTREACH: Outreach campaign development and onboarding**

Provide two seasons of broad stakeholder engagement and onboarding assistance for existing and new stakeholder onboarding with the goal of scaling the reduction efforts made to a total of 10 – 12 winter management operations by 2025.

- **Stakeholder Engagement:** Engage with up to (6) six new LCWMD stakeholders, property owners, contractors, to gain a comprehensive understanding of their level of service (LOS) requirements, expectations, and site-specific constraints. Include additional municipality if possible.
- **Discovery Process:** Work with maintenance operators to understand current maintenance methods, materials, salt application efficiency strategies and equipment.
- **SWiM® Specifications:** Provide necessary information needed to help property owners develop contract specifications that follow SWiM® standards including scope of work (SOW), and level of service (LOS) minimum requirements.
- **Onboarding:** Assist stakeholders develop an onboarding plan that includes “step 1” measuring salt outputs and monitoring the level(s) of service.

Task 1. Annual Cost: \$19,500.00 USD | Initial: _____

Task 2. **IMPLEMENTATION: Training, intervention, assessment, and feedback.**

Provide a cadence of calibration and assessment training sessions that provide an overview of what has been learned about contractor(s) operation(s), using the tracking equipment, and help guide intervention strategies where salt reduction may be achieved through improved operational efficiency or equipment investments. Task 3 scope to include:

- Review intervention and salt application performance measures for at least (6)) operations; a) review application rates from specific storm events by utilizing application rates and images and b) review weather event characteristics to determine trends for standardized policy.
- Conduct training with operators & their managers. The primary objective is for each organization to learn how to calibrate salt outputs and interpret their own unique application rates.
- Hold remote, real-time training (one in person per year, if timing and COVID restrictions allow), to discuss decisions made with corresponding results and data analysis.
- Observe, discuss, and train material reduction strategies.

Task 2. Annual Cost: \$27,500.00 USD | Initial: _____

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Task 3. REPORT:

A summary report of findings, results*, and a list of recommended next steps will be delivered to the LCWMD Executive Director and Board of Directors after the end of the season and prior to preparing the scope of focus for future seasons.

Task 3. Annual Cost: \$3,800.00 (1x annual summary) | initial: _____

* Salt usage / tracking data can be provided upon request as a common file format (xlsx, csv, txt, etc.). Confirmation of what type of format is available to be determined prior to acceptance of quote.

Common online access and viewing requires further development and access costs, in addition to data ownership logistics.

Task 4. CERTIFY

Certify (1) contractor and / or (1) municipality. SWiM® Certifications for properties (SITES) and municipalities (ROADS). Includes licensure for authorized use by LCWMD and certified landowners / municipalities. 225 Gorham and 50 Foden Road will be certified during the '23/'24 season at the rate of 1 site cost (vs. 2). Future sites or road (municipal) certification candidates for the '24/'25 season to be determined.

Task 4. Annual Cost: \$2,200.00 per site < 10 ac. or \$4,545 per municipality | initial: _____

Task 5. MEASURING AND MONITORING: Salt trackers and Weather Stations

Assist with managing existing GPS enabled Material Tracking Systems (MTS) and Road Weather Information Systems (RWIS)*. Work with municipal, contractor or in house operations to calibrate equipment at least twice per season.

**Costs include loaned hardware + seasonal service fees/data charge reimbursements, plus remote training/support with installation/setup and calibration.*

Measuring & Monitoring kits are assigned to these current landowners: (3) for City of So. Portland, (1) for 50 Foden / 225 Gorham Road, (1) Maine Mall, (1) New – Diodes

Task 5. Annual Cost for current landowners: \$9,500.00 USD | Initial: _____

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Optional Task. EQUIPMENT: For Expanded (Scaled) Measuring and Monitoring – for future grant funding budgeting

Loan and furnish Measuring and Monitoring Kit(s) for tracking salt outputs and level of service (LOS).

Each kit includes:

- (1) one GPS Enabled Material Tracking System (MTS Pro) and
- (1) one wireless, solar powered Road / Site Weather Information System / Camera (mini-RWIS), that include air temperature monitor, surface temperature monitor, and lens deicer.

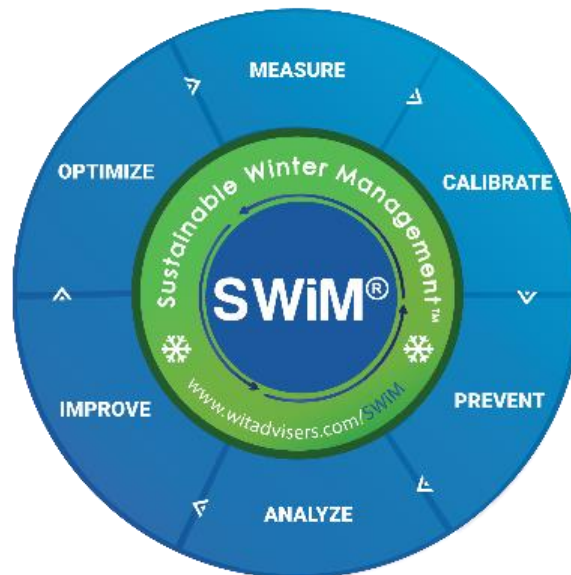
OPTIONAL. Cost per kit : \$5,400.00 USD | Initial: _____

Individual Equipment Cost Options*:

- **MTS Pro (Salt Tracker): \$ 2,250.00 Per Unit**
- **Mini RWIS (Site / Road camera): \$ 3,450.00 Per Unit**

** Equipment pricing is subject to change by the manufacturer*

SWiM® is a **continuous improvement** model for the implementation of the Sustainable Winter Management (SWiM®) standards. The first step for improvement is to **MEASURE** and establish a baseline that will be used to determine the best strategy for upcoming seasons. Successful onboarding typically requires two to three seasons of accurate and consistent measuring and monitoring before any significant improvement and intervention opportunities can be seen and or realized by newly onboarded stakeholders.



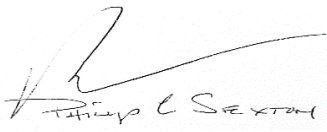
We do *WHATEVER IT TAKES* to DEVELOP, SUPPORT, and EMPOWER sustainable solutions that enable people, businesses, and the environment to thrive.

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QUOTE ACCEPTANCE (for quoted Tasks 1-5):

By: _____ Date: _____

Peter Carney – LCWMD

By:  Phillip C. Sexton

Date: 28 July 2023

Phillip C. Sexton – WIT



P.O. Box 176, Delanson, NY 12053 | Ph: 240-405-4997 | www.WITAdvisers.com

Schedule A

Schedule of Work Tasks

(Example to Revise)

#	Activity	Status	Comments	JUN 1-2	JUN 3-4	JUL 1-2	JUL 3-4	AUG 1-2	AUG 3-4	SEP 1-2	SEP 3-4	OCT 1-2	OCT 3-4	NOV 1-2	NOV 3-4	DEC 1-2	DEC 3-4	JAN 1-2	JAN 3-4	FEB 1-2	FEB 3-4	MAR 1-2	MAR 3-4	APR 1-2	APR 3-4	MAY 1-2	MAY 3-4
1	Pre-Discover Contracts/Agreement			X	X																						
2	Discovery Review past data, level of service, invoices, salt usage						X																				
3	Discovery Understand client/property/contract specific constraints that need to be taken into consideration prior to setting up project plan							X																			
4	Discovery Online meeting #1 to set up project plan, sites, resource requirements								X																		
5	Discovery Online meeting #2 to set up project plan, sites, resource requirements		Contractor to attend							X																	
6	Discovery SWiM breakout meeting/workshop. Open to other contractors? Overview of SWiM benefits, processes, and case-studies		Preferably in-person							X	X																
7	Discovery Meeting with contractor to discuss hardware needs, equipment needs and project plan									X	X																
8	Track Salt tracker installation and calibration training										X	X	X														
9	Track Camera Installation										X	X	X														
10	Implement Pre-season SWiM training for contractor. Discuss process, responsibilities, expectations, assign contact person(s)												X	X													
11	Implement Start of the season follow-up to ensure things are on track														X												
12	Implement Monthly follow-up (JAN) + Calibration																	X									
13	Analyze Monthly follow-up (FEB)																		X								
14	Implement Monthly follow-up (MAR) + Calibration																				X						
15	Analyze Monthly follow-up (APR)																						X				
16	Analyze End of season summary																									X	X
17	Report -																										
18	TBD -																										
19	TBD -																										
20	Begin planning for next season																										

The SWiM breakout meeting/workshop is a value add, **in-kind free of charge workshop**, that we would like to conduct if conditions allow. It is not a part of the official project deliverables nor is it required for the successful completion of the project.

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ATTACHMENT E



Long Creek Watershed Management District Rules and Regulations

Contents:

- A. General
- B. Late Participation
- C. Long Creek Watershed Management District Procurement Policy
- D. Cost-Sharing Policy
- E. Long Creek Watershed Management District Contracts Policy
- F. Conflict of Interest Policy
- G. Quarterly and Monthly Installment Payment Schedule Policy
- H. Default Payment Fees
- I. Continued Entitlement to Credits
- J. Private Best Management Practice Incentive Program

A. General. All capitalized terms used in these Rules and Regulations shall have the same meaning as they have in the “Agreement Between Participating Landowner and Long Creek Watershed Management District” or “Participating Landowner Agreement” (“PLA”) the Long Creek Watershed Management District (“LCWMD” or the “District”) has entered into with each Participating Landowner.

B. Late Participation. The LCWMD Board of Directors (“Board”) will allow Landowners and Operators of Parcels located in the Long Creek Watershed to enter into a PLA with LCWMD after the subscription date of May 28, 2010 provided for in Section 15 of that PLA (21 days prior to the Maine Department of Environmental Protection (“DEP”) general date for filing of a Notice of Intent under the General Permit of June 18, 2010) at its reasonable discretion, subject to the following terms and conditions:

1. A Person who wishes to become a Participating Landowner under a PLA within 180 days after receiving notice of the General Permit from DEP may do so without additional financial penalty, even though the PLA is executed by the person after May 28, 2010, but that Person shall pay to LCWMD the full amount of the Initial Assessment and of any Annual Assessment(s), without proration, that would have been assessed against the Parcel Operator and/or Record Owner’s Parcel(s) had the Person entered into the PLA by May 28, 2010; provided, however, that Persons who enter into a PLA as Operators or Record Owners of Parcels that are identified by DEP after Nov. 6, 2009 (the date of the initial General Permit) as being located within the Long Creek Watershed and as having a Designated Discharge shall pay the amount of the Initial Assessment and/or Annual Assessments that would have been assessed against the Operator and/or Record Owner’s Parcel(s) had the Person entered into the PLA by May 28, 2010, prorated to the date which is the earlier of 210 days following the issuance of notice by the DEP that the Parcel is

subject to the General Permit or 180 days after the Parcel's Operator and/or Record Owner's receipt of such notice.

2. A Person who wishes to become a Participating Landowner more than 180 days after receiving notice from the Maine Department of Environmental Protection (DEP) may do so in the following manner:

a. Such a Person may enter into a PLA with LCWMD as Operator and/or as Record Owner, but shall pay to LCWMD the full amount of the Initial Assessment and of any Annual Assessment(s), without proration, that would have been assessed against the Parcel Operator and/or Record Owner's Parcel(s) had the Person entered into the PLA within 180 days after receiving notice from DEP and also shall pay 0.25% interest per month amount of such Initial Assessment and/or Annual Assessment(s) calculated from the due date of each such Assessment.

b. The above notwithstanding, however, if a Person acquires, expands ownership of or improves property within the Long Creek Watershed after December 6, 2009 and subsequent to that acquisition, expansion of ownership or improvement, DEP determines for the first time that there is a Designated Discharge from that property, that Person may enter into a PLA with LCWMD as Operator and/or Record Owner, and shall pay to LCWMD an amount equal to the Initial Assessment or Annual Assessment(s) assessed upon the Parcel for the LCWMD Fiscal Year in which DEP determines there is a Designated Discharge from that Parcel, prorated on the basis of the portion of the LCWMD Fiscal Year during which the Person operates and/or owns such a Parcel.

C. Long Creek Watershed Management District Procurement Policy

1. **Authorization.** Purchases of goods and services by the Long Creek Watershed Management District (LCWMD) are subject to this "Long Creek Watershed Management District Procurement Policy" ("Policy"). Authorization for expenditures of any funds to purchase goods or services must be given by the LCWMD Board of Directors (Board), either through budget approval; contract approval; grant agreement approval; or other specific approval as provided in this Policy.

2. **Purchases.** LCWMD shall purchase all goods and services in a manner that best secures the greatest possible economy consistent with the required grade or quality of the goods or services.

a. The Executive Director has the authority to purchase goods and services up to the amount of \$5,000 without competitive bidding procedures.

b. Competitive bids and requests for proposals shall be required for all purchases of goods and services in excess of \$5,000.00 unless specifically exempted by this Policy or by action of the Board.

3. **Formal Competitive Bidding Procedures.** Formal bidding and proposal procedures shall be followed by the Executive Director in all other cases when competitive bidding or proposals are required by this Policy. Formal competitive bidding procedures are as follows.

a. Invitation for Bids/Requests for Proposals. The Executive Director shall prepare the invitation for bids and requests for proposals, describing the LCWMD's requirements clearly, accurately and completely, but avoiding unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders or proposers. The term "invitation for bids" means the complete assembly of related (whether attached or incorporated by reference) material furnished prospective bidders for the purpose of submitting sealed bids. The term "request for proposals" means the complete assembly of related (whether attached or incorporated by reference) material furnished prospective proposers for the purpose of submitting sealed proposals. The Executive Director shall determine that the requirements of the LCWMD are clearly and accurately and completely stated within the invitation to bid/request for proposals.

b. The Executive Director shall publicize the invitation for bids/request for proposals through distribution to prospective bidders and proposers, advertising in a newspaper with local and/or regional circulation, or such other means as the Executive Director determines is appropriate at least ten calendar days prior to the time set for public opening of sealed bids or proposals.

c. Bidders/proposers shall submit sealed bids/proposals to LCWMD prior to the date and time specified for the opening of bids/proposals. Late bids/proposals shall not be accepted and no bidder/proposer shall be permitted to withdraw a bid after the deadline for bids specified in the invitation to bidders/proposers.

d. Bids and proposals shall be publicly opened at the time and place specified in the invitation to bid or request for proposals. A contract shall be awarded by the Board to the responsible bidder/proposer whose bid/proposal conforms to the invitation to bid/request for proposals and will be the most advantageous to the LCWMD and is in the best interests of the public. Award may be delayed pending verification of a bidder's/proposer's credentials and references or review of the bids/proposals received.

e. LCWMD reserves the right to reject any and all bids/proposals and to reject non-responsive bids/proposals.

4. Informal Competitive Bidding Procedures. Informal bidding and proposal procedures shall be allowed when a purchase is required to be by competitive bidding or proposal if the total purchase price is less than \$10,000, unless the Executive Director recommends use of a formal bidding or proposal process. Informal competitive bidding procedures are as follows.

a. The Executive Director shall solicit competitive bids/proposals either by written notice sent to vendors, posting on Long Creek Website, distribution to Long Creek email list or by advertisement in a newspaper(s) having at least local circulation. The notice shall contain specifications as to quantity and quality required, the availability of bid/request for proposals packages or other details, and the date and time when bids/proposals must be received.

b. All bids/proposals shall quote delivered prices, terms of payment and cash discounts if applicable. If oral quotations are accepted, the Executive Director shall obtain a written or email confirmation of the quotation from the bidder/proposer. The person from whom the quote is received, and the date and time the quote is received by the LCWMD shall be recorded.

c. The Executive Director shall attempt to solicit at least three vendors on every purchase subject to informal bidding/proposal procedures. If fewer than three bids are received, or if in the opinion of the Executive Director no bids are acceptable, rebidding may be required.

d. In all cases the bid or proposal most advantageous to the LCWMD and in the best interests of the public, price, quality, and other factors being considered, shall be awarded by the Executive Director.

e. LCWMD reserves the right to reject any and all bids/proposals and to reject non-responsive bids/proposals.

5. Sole Source Purchases. The requirement of competitive bidding procedures for the purchase of goods and/or services in excess of \$5,000 may be waived by the Board when:

a. After reasonable investigation by the Executive Director, it appears that any required unit or item of supply, or brand of that unit or item, or any services, is procurable by the LCWMD from only one source;

b. is of such narrow scope or constraint that the need can be met satisfactorily only by a sole source;

c. is of such compelling urgency that operations would be seriously impaired by delay inherent in following competitive procedures; or

d. otherwise is the most economical, effective and appropriate means of fulfilling a demonstrated need.

Waivers of competitive bidding procedures must be submitted to the Board for approval using the following "Sole Source Purchase Authorization Request" form.

SOLE SOURCE PURCHASE AUTHORIZATION REQUEST

Date of Request:	Request Submitted By:
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Vendor or Service Provider Information		
Name:		
Address:		
Contact Name:	Phone:	Email:

Good or Service Requested:		Purchase Amount:	\$
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Instructions: Respond to all questions below applicable to this contract. Additional pages may be attached as necessary. Delete instructions before saving.

Substantiation of Need: *(Instructions: identify why the Board is being asked to award this item outside the traditional competitive process.)*

Relationship Between LCWMD and Vendor or Service Provider: *(Instructions: include description, cost savings, if any and history of the contracting relationship.)*

Justification for Sole Source Procurement: *(Instructions: describe why another vendor or service provider cannot provide the requested services.)*

Evidence of Prior/Scheduled RFP or Other Competitive Process: *(Instructions: identify whether this vendor or service provider was previously selected through a competitive process.)*

6. Procurement of Services through Pre-Qualified Contractors. As an alternative to Formal or Informal Bidding/Proposals under this Policy, Procurement of Services through Pre-Qualified Contractors. For any procurement of services under this Policy, LCWMD may pre-certify contractors through a Request for Qualifications (RFQ) process if the Executive Director determines that this process will provide the best possible economy and quality of goods or services.

a. Prequalification shall follow the procedure for Formal Bidding/Proposals outlined in Section 3.

b. The Request for Qualifications shall include, at a minimum, the following:

- i.** Scope of Services;
- ii.** Contract requirements;
- iii.** Items required to be submitted as part of the RFQ (including firm qualifications, personnel and resources, fee schedule, and affirmation of the ability to sign a contract with LCWMD); and

iv. The period over which the prequalification will be valid.

c. The Board shall evaluate applicants for prequalification based upon selection criteria outlined in the RFQ. Criteria may include the following:

- i.** Firm's experience;
- ii.** Proposed fees;
- iii.** Qualifications;
- iv.** Demonstrated ability to meet schedule; and
- v.** References

d. The Board shall select a certain number of applicants as prequalified contractors for the specified services.

e. For specific LCWMD projects, the Executive Director may select from prequalified contractors approved by the LCWMD Board based on qualifications, rates, project requirements and availability.

f. In selecting from prequalified contractors, the Executive Director may also consider past performance on LCWMD projects.

7. Change Orders.

a. Generally. The Executive Director has authority to approve change orders to agreements LCWMD has entered into up to the amount of \$5,000, and the LCWMD Board has authority to approve change orders that exceed this amount.

b. Non-Routine Maintenance and Repair. The Executive Director has the authority to approve change orders to agreements LCWMD has entered into up to the amount of \$20,000 for non-routine maintenance and repair of LCWMD-owned-or-operated structural BMPs, in-stream, and floodplain restoration projects, subject to prior approval of a purchase order signed by the Board Chair or Treasurer. In the aggregate, the total amount of change orders approved under this provision in any fiscal year shall not exceed the amount appropriated in that fiscal year's budget for non-routine maintenance and repair without Board approval.

8. Expedited Circumstances. The Executive Director has the authority to purchase goods and services up to the amount of \$20,000 without competitive bidding procedures if time is of the essence to prevent environmental harm or to protect public health or safety, subject to prior approval of a purchase order signed by the Board Chair or Treasurer, and such purchase orders and circumstances shall be reported to the Board immediately by email.

9. Board Chair Authority. The Board Chair/President exercises the role, duties, and authority of the Executive Director under this Long Creek Watershed Management District Procurement Policy where: (1) there is no Executive Director approved by the LCWMD Board, or (2) the Board acts, in its discretion, to authorize the Board Chair/President to exercise the role, duties, and authority of the Executive Director hereunder.

D. Cost-Sharing Policy. Where property development or redevelopment by Participating Landowners and/or by Record Owners of a Parcel or Parcels that are subject to a PLA between LCWMD and that Participating Landowner and/or Record Owner is not part of a Relocation, Removal or Termination under the PLA and/or does not require a Plan Modification under the PLA, but will result in increased costs to LCWMD, including but not limited to additional costs of governmental review, engineering and administration, the LCWMD Board shall ask the Participating Landowner and/or the Record Owner to contribute to the payment of those increased costs and shall work with the reviewing governmental units to minimize any such increased costs.

E. Long Creek Watershed Management District Contracts Policy. In order to avoid the placement of mechanics' liens on the property of Participating Landowners for labor, services and/or materials provided for work performed on behalf of LCWMD, contracts entered into by LCWMD for the construction, reconstruction, installation, operation, modification, alteration, maintenance, repair, and replacement of public and private stormwater management structures, facilities and improvements, including structural and non-structural Best Management Practices, on Parcels of Participating Landowners and/or Record Owners subject to a Participating Landowner Agreement between that Participating Landowner and/or Record Owner and LCWMD, shall require contractors to present LCWMD with signed lien waivers and releases from all of their subcontractors and materialmen and a notarized affidavit from the contractor reciting that so far as it has knowledge or information the lien waivers and releases include all labor and materials for which a lien might be filed, or bonds satisfactory to LCWMD and in favor of

LCWMD and the Participating Landowner and/or Record Owner in appropriate amounts to indemnify them again any such lien, prior to LCWMD making payment to the contractor.

F. Conflict of Interest Policy.

1. Purpose. It is the purpose of this Conflict of Interest Policy (the “Policy”) to promote full disclosure to the Corporation of all Conflicts of Interest and other matters which may affect the decisions and actions of its Board of Directors (the “Board”).

2. Conflict of Interest Transactions.

a. General Statement of Policy. The Corporation shall not participate in a transaction in which a director or officer has a Conflict of Interest, unless such a transaction is approved in accordance with this Policy.

b. Definitions.

i. Conflict of Interest. A Conflict of Interest is a direct or indirect financial interest or a personal interest of an officer or director in any transaction in which the Corporation is participating and also is as stated in 30-A M.R.S.A. § 2605.

ii. Financial Interest. A director or officer has a financial interest if that individual, directly or indirectly, or through business or family has:

a) an ownership or investment interest in any entity with which the Corporation is participating in a transaction;

b) a compensation agreement with any entity or individual with which the Corporation is participating in a transaction;

c) a potential ownership or investment interest or compensation agreement with any entity or individual with which the Corporation is negotiating a transaction; or

d) any other material financial interest in the transaction or potential transaction.

iii. Personal Interest. A personal interest exists in situations where there is a divergence between an officer or director’s personal interests and his or her fiduciary or professional obligations to the Corporation. A director or officer has a personal interest when an independent observer would reasonably question whether the director or officer’s corporate actions or decisions are determined primarily by consideration of personal gain, financial or otherwise, adverse to the interests of the Corporation.

c. Disclosure of Conflict of Interest. It is the responsibility of each director and officer to disclose on a timely basis any matters which may give rise to a Conflict of Interest, or which

may otherwise prevent the director or officer from performing his or her duties in accordance with applicable law and this Policy.

d. Procedure for Approval of a Conflict of Interest Transaction. All Conflict of Interest transactions must be approved in accordance with this Policy.

i. Timing. Approval may be given before or after the Conflict of Interest transaction has occurred.

ii. Standard. A Conflict of Interest transaction may be authorized, approved or ratified by the Board or a committee of the Board if:

a) the material facts of the transaction and the director's or officer's financial or personal interest are known;

b) it is fair and equitable to the Corporation as of the date the transaction is authorized, approved or ratified; and

c) if 30-A M.R.S.A. § 2605 is applicable to a Conflict of Interest, its requirements are followed.

iii. Participants in Approval. Approval of a Conflict of Interest transaction must be by affirmative vote of a two-thirds majority of the members of the Board or a committee of the Board who have no interest, financial or otherwise, in the transaction. A single director cannot approve a Conflict of Interest transaction.

iv. Compensation. This Policy does not affect the ability of the Board to award reasonable compensation to directors or officers for their services as directors or officers, or in any employment capacity.

3. Composition of the Board of Directors. No more than 49% of the individuals on the Board may be financially interested. For the purpose of this Article III only, a financially interested person is one who individually or whose immediate family received or is entitled to receive compensation for personal services rendered to the Corporation within the previous 12 months, whether as employee, independent contractor or otherwise. A financially interested Board member shall disclose the existence of his or her financial interest to the Board, as soon as such interest becomes known to such member.

4. Periodic Reviews. From time to time, the officers of the Corporation shall take reasonable steps to assure that every director and officer has read, understood, and agreed to comply with this Policy, which may include the requirement that all directors and officers sign a written statement acknowledging the above and agreeing to be bound by this Policy.

G. Quarterly and Monthly Installment Payment Schedule Policy. Pursuant to the discretion given the Board under Section 5(b)(2) of the PLA to permit a Participating Landowner to pay its Annual Assessments in quarterly or monthly installments, LCWMD will accept quarterly and

monthly payments (but prefers quarterly payments), subject to the following conditions. LCWMD will not enter into a quarterly or monthly payment option with Participating Landowners that have accounts in arrears; a Participating Landowner first shall become current in its payment of its past due Initial and Annual Assessment(s) before it may be permitted to make quarterly or monthly payments under this policy. Each quarterly or monthly payment shall include interest at the rate of 0.25% per month on the outstanding balance of that Annual Assessment as well as a \$25 administrative fee per installment payment in excess of the two installments permitted under the PLA. However, if a Participating Landowner makes quarterly or monthly installment payments that result in payment of Annual Assessments before the due dates for their payment, that Participating Landowner will not be required to pay interest or an administrative fee. It is at the discretion of the Board to grant waivers for interest and/or fees charged on installment payments. Participating Landowners who wish to switch to a quarterly or monthly installment payment option must submit a request via U.S. mail to the LCWMD Executive Director. The Participating Landowner will be notified within five business days if the request has been approved.

H. Default Payment Fees. As stated in the PLA, failure of a Participating Landowner to pay any Assessment(s) or quarterly or monthly installments of Assessments permitted under G above by the date specified by the District is an event of Default. When a Participating Landowner fails to pay its Assessment(s) or cure the Default within 30 days of its receipt of a Notice of Default from LCWMD, in addition to any other remedy LCWMD may have at law or in equity to address the Participating Landowner's Default, LCWMD also will charge the Participating Landowner, for each month that a Participating Landowner's Assessment is delinquent, interest at the rate of 0.25% per month on the outstanding balance of that Assessment and will charge that Participating Landowner an administrative fee of \$25 per month, provided however, that if the outstanding balance remains unpaid after six months, LCWMD will charge that Participating Landowner, for each additional month that a Participating Landowner's Assessment remain delinquent, interest at the rate of 1.0% per month on the outstanding balance of that Assessment and will continue to charge that Participating Landowner an administrative fee of \$25 per month. Participating Landowners may request to enter into quarterly or monthly installment payment agreements with the LCWMD under G. above by submitting a written request to the Executive Director via US Mail, explaining why the Assessment(s) are in Default and how they plan to remedy the Default. It is at the discretion of the Board to grant waivers for interest and/or fees charged on Default accounts. The Participating Landowner will be notified within five business days of the Board's decision.

I. Continued Entitlement to Credits. Section 5 of the PLA governs the calculation and payment of assessments and provides for credits to reduce the amount of Initial; and Annual Assessments. Specific categories of credits are set out in: subsection (a)(4) (pollution prevention/good housekeeping costs); subsection (a)(5) (construction and maintenance costs); subsection (a)(6) (urban-rural initiative payments to municipalities); subsection (a)(7) (provision of BMPs or services in lieu of payment); and subsection (a)(8) (compensation fee utilization plan fees). This provision concerning continued entitlement to credits applies to: 1) continued application of on-site treatment credits to assessments when the BMPs on which the credits are based age and are reduced in function; and, 2) credits for provision of BMPs "in lieu of payment" where the BMPs upon which the credits are based must be rebuilt, maintained, or replaced.

These credits are determined by the Executive Director with a right of appeal to the Board. The Participating Landowner bears the burden of demonstrating that the Executive Director's calculation of Assessments, Adjustments, Credits, or Value of Services in Lieu of Payment is erroneous. The two main categories of credits addressed by this policy are in subsections (a)(5) and (a)(7) of the PLA:

1. Subsection 5(a)(5) Credits. These credits are for BMPs providing on-site treatment that a participating landowner constructs or installs without LCWMD funds. These include:

- a. Existing BMPs (existing as of December 6, 2009);
- b. New Construction or Development (commenced after December 6, 2009); and,
- c. Retrofits (replacement of or change or addition to BMPs existing on a Parcel as of December 6, 2009, or addition of a new BMP to existing development on a Parcel that benefits Long Creek directly or indirectly).
 - i. Credits are applied against the Construction and Maintenance Cost portions of the Annual Assessment. The amount of credit depends upon the functionality of the BMPs and the standards they are designed to meet. Credits continue into the future indefinitely "so long as the BMPs that generate the credits continue to meet the standards for which they were designed or are meeting, as determined by the Executive Director;" If the BMPs fail to meet those standards, the amount of credit will be reduced in proportion to the loss of ability to meet those standards.
 - ii. If a Participating Landowner repairs or replaces a BMP without using LCWMD funds, there will be a continued credit so long as that BMP continues to meet the standards for which it was designed or is meeting, and the credit may be increased in proportionate to the increase in functionality attributable to the repair or replacement of the BMP, all as determined by the Executive Director.
 - iii. As a condition of continued application of credits against their assessments under Section 5(a)(5) of the PLA, Participating Landowners shall provide LCWMD with copies of any monitoring, inspection, or repair reports they must file under DEP Chapter 500 or MS4 requirements, municipal post-construction monitoring ordinances, or the PLA. These reports will be used to determine whether the BMP is functioning and at what level.

2. Subsection 5(a)(7) Credits. The other category of BMP credit is with regard to provision of BMPs "in lieu of" payment. Subsection 5(a)(7) of the PLA generally allows Participating Landowners to satisfy their Initial and Annual Assessments by providing BMPs in lieu of payment so long as the provided BMPs are included in the Long Creek Watershed Management Plan. Subsection 5(a)(7) essentially permits a Participating Landowner to receive a credit for BMPs it provides that otherwise would be provided by LCWMD.

- a. A Participating Landowner that repairs, replaces or makes improvements to a BMP provided in lieu of payment to the District that have a useful life of ten years or more or are intended to reasonably avoid non-routine maintenance for 10 years or more is entitled to credit

under Subsection 5(a)(7) of the PLA for the reasonable cost of such repair, replacement, or improvements to that BMP.

b. The PLA specifically acknowledges that Maine DOT's Initial Assessment would be reduced by the value of work performed on the repaving of Maine Mall Road with porous pavement before November 6, 2009. Further, because the PLA allows Maine DOT's cost of repaving Maine Mall Road with porous pavement to reduce Maine DOT's Initial Assessment, the PLA presumes this cost is in furtherance of the Long Creek Watershed Management Plan and is an avoided cost for LCWMD. Therefore, the Board will allow the incremental additional cost of porous pavement used to repave Maine Mall Road, which has an anticipated useful life of ten years or more, to reduce Maine DOT's future Annual Assessments.

J. Private Best Management Practice Incentive Program. As part of implementing the Long Creek Watershed Management Plan, LCWMD has developed this Private BMP Incentive Program ("Program") to encourage private investment in activities that will improve water quality in Long Creek. Encouraging private investment in new stormwater BMPs will mitigate the impacts of new development and redevelopment projects on water quality in Long Creek.

1. Applicability. Funds allocated by the Board to the Program are available to Participating Landowners for undertaking eligible projects that attempt to improve water quality in Long Creek.

2. Definitions.

a. *Best Management Practice* ("BMP"). Best Management Practices ("BMP") means structural management structures, facilities, and improvements and non-structural activities that remove pollutants from stormwater or prevent pollutants from entering stormwater.

b. *Substantially Complete.* The time at which the Project has progressed to the point where the project can be utilized for its intended purpose.

3. Available Funding.

a. Funding for the Program will be allocated by the Board as part of LCWMD's annual budgeting process. The total amount of Program funding available in each fiscal year will be determined at the discretion of the Board taking into account each year's other necessary expenses.

b. If the Board allocates funds to the Program in any given year, the Executive Director is authorized to issue a Request for Proposals ("RFP") to Participating Landowners to apply for an award of Program funds for eligible projects. Awards will be prioritized as follows: proposals received by the time prescribed in the RFP will be given priority to receive Program funds; proposals that score higher under the criteria in Section 7(c) will be prioritized over lower scoring proposals; if any Program funds remain after the initial round of awards, applications for remaining funds will be considered on a rolling basis until the Program funds allocated for the given fiscal year are exhausted with higher scoring proposals being given priority over lower scoring proposals.

c. Awards may be made for up to ~~100~~75% of the cost for each eligible project (“Project”), subject to a per-award limit of \$50,000. For complex projects, the applicant may submit separate applications for the design and construction phases of the project for up to 75% of the eligible project cost per phase, subject to a combined limit of \$50,000.

d. Program funding may only be awarded to Participating Landowners that: (1) have a current Participating Landowner Agreement with LCWMD; (2) have filed a current Notice of Intent to Comply with the General Permit with DEP; (3) are in compliance with their terms of their Participating Landowner Agreement; and (4) are current on payments required to be paid to LCWMD as a condition of the General Permit and the Participating Landowner Agreement.

e. Approved Program funds will be disbursed to the applicant upon the applicant submitting documentation to LCWMD that the Project is substantially complete. If a separate application is submitted for design costs, funds for the design phase will be reimbursed upon the Applicant submitting a complete application for the construction phase of the project.

4. Preliminary Consultations. Applicants may contact LCWMD to arrange a site visit by LCWMD staff before applying for Program funding. LCWMD staff will be available to review materials, explain the application process, and to answer questions related to the Program.

5. Eligible Projects.

a. The following types of Projects are eligible for Program funding:

i. Construction of new, or retrofit of existing, structural stormwater BMPs, implementation of stream restoration projects, and implementation of non-structural BMPs, that are not otherwise required by local, state, or federal permitting requirements;

ii. That address one or more water quality or habitat concerns within Long Creek, including temperature, dissolved oxygen, chlorides, nutrient levels, metal concentrations, runoff volume, geomorphology, fish habitat, and macroinvertebrate habitat; and

iii. For which there is not already a mechanism for meaningful credit available through Participating Landowner Agreements for the BMP.

b. Applicants are solely responsible for determining whether any regulatory requirements or conditions exist prior to applying for funds under this Program.

6. Materials to be Submitted by Applicants. The following information, as applicable and proportional to the scale of the project, shall be submitted by the Applicant.

a. Applicant Information.

i. Applicant’s legal name.

ii. Applicant’s mailing address.

iii. Applicant's phone number, organization type, and Employer Identification Number.

b. Project Leader. Identification of a Project Leader authorized to make decisions on behalf of the applicant as an officer, an employee, or other approved position recognized by the applicant. The Project Leader will be responsible for all Project coordination and correspondence with LCWMD for the duration of the Project.

c. Title, right, or interest. Documentation establishing the applicant's authority to implement the Project. Proposals that do not document adequate title, right, or interest to implement the proposed Project will be rejected.

d. Project Information.

i. Project Title. The title of the Project.

ii. Project Description. A summary of the Project, including details such as the type of Project, location, and main objectives. The Project description should be succinct and provide a clear idea of the Project outputs based on intended outcomes.

iii. Site Map.

iv. Experience. The applicant's or Project team's experience in completing similar projects including a brief description and the location of any relevant previously completed projects.

v. Consultants. Identification of whether a consultant and/or contractor has been or, will be selected. A description of the background of the selected consultant/contractor. Information on whether the applicant sought competitive bids, estimates, or quotes.

e. Technical Information. Technical information proportional to the scale of the Project that is sufficient to allow the Board to determine the scope of the project, such as:

i. Existing conditions plans;

ii. Proposed conceptual or complete design documents;

iii. Basis of Design reports;

iv. Grading plans;

v. Stormwater plans and report; and/or

vi. Planting plans.

f. Project Deliverables. Identify Project deliverables and metrics, such as outreach outcomes and restoration outcomes.

- g. Project Timeline.** Include a table of major tasks, with start and end dates.
- h. Permit Status.** Identify whether the Project require permits of any nature including any local, state, or federal authorities, and, if so, where the applicant is in the permit process.
- i. Project Not Otherwise Required.** A statement that the Project is not required under an existing or pending permit, decree, or enforcement action.
- j. Maintenance Plan.** Identify who will be responsible for maintenance, the scope of maintenance, and how the Project will be maintained in the future.
- k. Budget.** A detailed budget proportional to the scale of the project that includes the total amount of funds being requested.
 - i.** A descriptive budget narrative in which the applicant explains and justifies the costs requested in the proposal, for example: 1) if staff costs are requested a detailed justification for those staff costs must be provided that includes a scope of work for the staff costs requested, tasks for the scope of work, and hours associated with those tasks and 2) the source of any contractor/consultant cost estimates. If implementation of the work is contingent upon award of other funds, this must be made clear in the budget justification section.
 - ii.** For any staff cost requests, list the percentage of overall time devoted to the Project by each staff member in the budget item column. Personnel costs included in budgets must be directly involved in the Project work. Requests that do not include full justification for personnel involved may not be fully funded.
 - iii. Matching/leveraged resources are encouraged.** Identify whether the applicant has requested financial support from any other sources for the Project not listed as match in the budget submitted.
 - iv.** Applicants may request Program funds for indirect costs, which must be listed separately and must be less than 10% of the total funds request.

7. Selection Process.

- a.** Proposals will be reviewed by members of the Board and LCWMD staff and technical consultants assigned by the Board.
- b.** Awards of Program funds will be made by the Board to applicants whose proposals conform to the RFP, that will be the most advantageous to LCWMD, and that are in the best interests of the public.
- c.** After evaluating a proposal, that Board may make a conditional award of Program funds or an award of Program funds for less than the requested amount. Awards ~~for less than the requested amount~~ will be based upon the following criteria:

- i. Quality of Application (Scale of 1 to 10)**

- a) The level of completeness and attention to detail.
- b) All required application components are included for sound evaluation of the application.

ii. Justification (Scale of 1 to 20)

- a) Justification of the need for the project or practice proposed.
- b) The nature, extent, and severity of the water quality problem.

iii. Likelihood of Project Success/Environmental Outcomes (Scale of 1 to 30)

- a) The likelihood of project success defined as the accomplishment of outcomes proposed and includes.
- b) Are methodologies and/or designs sound and consistent with best practices?
- c) Does the proposed project team have the necessary qualifications to conduct the work? If the applicant does not possess the technical expertise to lead a project, are qualified technical experts, agencies, or organizations identified as partners or consultants/contractors.

iv. Demonstration Value (Scale of 1 to 15)

- a) Does the project have demonstration value and/or transferability?
- b) Has any effort been made to connect this project to other watershed restoration efforts?
- c) Can the project be used as a model or pilot for future efforts?
- d) Will the project persist and be well-maintained?

v. Budget and Value (1 to 25)

- a) Does budget reflect actual project costs?
- b) Were multiple bids/estimates obtained? To demonstrate cost efficiency, applicants are encouraged to solicit estimates or bids from at least three consultants or contractors that can be used to prepare an accurate budget for the proposed project.
- c) Are all budget line items justified in the project narrative? Requests for non-construction costs such as costs for soil borings, surveys, designs, permit fees, and the associated project management, consultant costs, administrative costs, associated with non-construction costs (*e.g.*, project development) will be considered, but should be limited.
- d) Does the budget include line items to obtain all necessary permits and complete as-built drawings?

e) An assessment of the proposal's overall cost relative to the project results.

Projects scoring 75 points, or more, are eligible for the maximum award of ~~100%~~ 75% of eligible project costs.

Projects scoring between 50 points and 74 points are eligible for a maximum award of ~~75%~~ 50% of eligible project costs.

Projects scoring between 25 points and 49 points are eligible for a maximum award of ~~50%~~ 25% of eligible project costs.

Projects scoring less than 25 points are not eligible for funding.

Provided, however, that the maximum award percentages may be adjusted downward to reflect available funding.

d. LCWMD will evaluate all proposals that conform to the requirements of the RFP until allocated Program funds are exhausted.

e. LCWMD reserves the right to waive any informalities in proposals, to reject non-responsive proposals, to reject any and all proposals or parts or subparts thereof for any reason, to negotiate with any applicant, and to select one or more applicants deemed to have submitted a proposal that in the judgment of LCWMD is in the best interests of LCWMD.

8. Agreement. LCWMD will require a permanent Memorandum of Understanding which will assure long-term protection of the Project and assign future maintenance responsibilities upon Project completion.

9. Post Project Reporting Requirements. The Board may condition awards of Program funds on post-project reporting requirements that are proportional to the scale of the project including, but not limited to, water quality monitoring, biological modeling, and economic information related to the Project.

Consolidated LCWMD Rules and Regulations ~~8-3-2023~~ 6-24-2021